

***Village of Barrington
Zoning Board of Appeals
Minutes Summary***

Date: July 1, 2003

Time: 7:00 p.m.

Location: Village Board Room
200 South Hough Street
Barrington, Illinois

In Attendance: Patricia Pokorski, Chair, Zoning Board of Appeals
Robert Hennehan, ZBA
Ryan Julian, ZBA
Bruce Kramer, ZBA
Victoria Perille, ZBA
Peg Moston, ZBA

Staff Members: Jeff O'Brien, Planner/Zoning Coordinator
Keith Sbiral, Senior Planner

Call to Order

Robert Hennehan, acting as Chairperson, called the meeting to order at 7 p.m. Roll Call noted the following: Patricia Pokorski, Chair, present; Ryan Julian, present; Bruce Kramer, present; Peg Moston, present; Victoria Perille, present; Ralph Bartlett, absent; and Robert Hennehan, present. There being a quorum established, the meeting proceeded.

Chairperson's Remarks

Ms. Pokorski stated that Ralph Bartlett called her prior to the meeting and said that he believed the board would have quorum and that he could not make it to the meeting.

Old Business

Mr. O'Brien stated that there was no old business.

New Business

Public Hearings.

ZBA 03-04 Fifth Third Bank (333 West Northwest Highway)

Ms. Pokorski opened the public hearing for ZBA 03-04. Ms. Pokorski swore in those who would be speaking in the hearing. Ms. Pokorski stated that representatives of Fifth Third Bank would have fifteen (15) to twenty (20) minutes to present their case.

Ms. Nancy Harbottle, attorney for Fifth Third Bank, presented the case.

Ms. Harbottle stated that Fifth Third Bank was seeking approval of a special use permit for a financial institution with drive-through facilities in a B-1 general business service district. Ms. Harbottle stated that Fifth Third Bank was seeking variation from the required number of stacking spaces for a drive-through facility. Fifth Third Bank was also seeking variation of the location of the sign, requesting that it be moved closer to Exmoor Avenue than normally permitted by the Zoning Ordinance and that she believed this was a necessary and good variation.

Ms. Harbottle noted that she would present the green card to the Staff and that they had notarized the affidavit and would turn it in tomorrow (July 2, 2003). Ms. Harbottle then turned the presentation over to Jeffrey Kutsche, architect for Fifth Third Bank.

Mr. Jeff Kutsche, of the Architect Partnership (410 S. Michigan Avenue Chicago, IL), presented the site plan on the overhead projector with traffic and landscaping configurations of the new building the existing buildings in the area.

Mr. Kutsche stated that an old bowling alley would be removed completely, and that two (2) other adjacent buildings would remain, a daycare and a low rise office building.

Mr. Kutsche stated that he is proposing accessing the site primarily from Exmoor Avenue, noting that Exmoor Avenue is a paved but rather deteriorated road. Mr. Kutsche proposed having two (2) entrances (as shown on the overhead) to access parking and the drive-through for Fifth Third Bank. This would limit accessing the property from Northwest Highway, which would be the only exit. Mr. Kutsche believes that the proposed location of the sign would encourage Westbound Northwest Highway traffic to enter Fifth Third Bank from Exmoor Avenue.

Mr. Kutsche stated that the property will have 10 offices, with approximately 5,000 square feet and 31 parking spaces.

Mr. Kutsche stated that there would be a significant amount of landscape area surrounding the building, with 50 feet isolating the property from its South boundary, which is Park District property. Mr. Kutsche stated that the drive-through would also be isolated, allowing for six (6) cars in each of five (5) lanes, also with a bypass lane on the East side for cars choosing to go around the drive-through facility.

Mr. Kutsche stated that the property had three (3) places for signs, which he pointed out on the diagram. There were signs on the building side facing Northwest Highway and on the building side facing Exmoor Avenue. Both of these signs are within existing codes. Mr. Kutsche then stated that he was requesting for a sign on the Northwest corner of the lot, which would meet the requirement for signs off of Northwest Highway, but would reduce the setback requirement off of Exmoor to six (6) feet. The reasons for this were to create a driveway there and also to encourage traffic to use Exmoor as the main access to the site.

Mr. Kutsche stated the alternative would be to put a sign in the Northeast corner of the property and he stated two (2) reasons for not wanting to do this. The reasons are that Fifth Third Bank does not want traffic entering from Northwest Highway and that existing signs from adjacent property would block the Bank's sign.

Mr. Kutsche stated that they have worked with the Architectural Review Committee on the building design and that they have met with the ARC and have had positive responses about the project. Mr. Kutsche then left the floor open for questions and comments.

Mr. Jeff O'Brien presented the staff report.

Staff Recommendation: Staff believes that from reviewing the Standards for Special Use and Technical Review, the Fifth Third Bank project meets all standards. Staff notes, however, that one point should be the decision of the ZBA rather than the Staff. Staff directs the Board to point six (6) on page four (4) of the Staff Report. Staff believes that issues of the special use permit will not create excessive additional requirements of public expense of the proposed facilities and services since the current public facilities and services will remain substantially the same. Staff has requested that the petitioner repave Exmoor Avenue and provide curb and gutter on both sides of the street and also install sidewalks along Exmoor and Northwest Highway. Staff notes that the petitioner has offered to provide \$10,000 to the Village of Barrington to repave Exmoor Avenue. Staff feels that the ZBA should determine what level of demand on public facilities will be and what requirement is appropriate for the proposed development to meet standards.

Staff notes that the reason for repaving is that the petitioner will be putting more traffic on Exmoor Avenue and that public works has stated that the road is not in good condition. Staff also believes that repaving the road would benefit both the Village and the petitioner. Staff recommends approval for their special use request.

Staff believes that the variation for the sign on the northwest corner of the lot will benefit the project. Staff also recommends approval of the stacking requirement variation. Staff recommends approval of the special use request and notes the ZBA should add or modify conditions as they feel necessary.

Ms. Pokorski noted that the petitioner was providing \$10,000 for the repaving of Exmoor and asked a question regarding what the difference of the costs would be.

Mr. O'Brien stated that public works had estimated a cost of \$25,000 to repave Exmoor Avenue. Mr. O'Brien stated that the petitioner would provide curb and gutter on the East side of Exmoor and that curb and gutter already exist on the West side.

Ms. Pokorski stated that this would mean \$15,000 in the short fall for the Village.

Ms. Harbottle stated that the petitioner wants the property to look better. Ms. Harbottle suggested that the adjacent properties, Days Inn and Blue Herron restaurant, should make some contribution to the repaving project. Ms. Harbottle stated that the Village is in a better position to ask for this contribution than Fifth Third Bank. She stated that Fifth Third Bank was willing to do their fair share, providing for fifty percent (50%) of the paving costs, as well as providing curb and gutters, redoing the sidewalk on Northwest Highway, and putting in the landscaping between the sidewalk and the pavement.

Ms. Pokorski asked the staff if under the current law the Village is able to go to those businesses on the west side of Exmoor Avenue.

Mr. Sbiral said the Village could not ask those businesses for money because they had been paying taxes, which go to the maintenance of Village roads.

Ms. Harbottle noted that the Village has been collecting taxes from these properties and that there should be some sort of kitty available.

Mr. Julian asked if the restaurant and hotel have driveways on Exmoor Avenue.

Mr. Harbottle stated that these businesses do have driveways on Exmoor Avenue.

Ms. Pokorski indicated that even if this was a normal project that did not require variations, the Village cannot ask those businesses to pay anything extra.

Mr. Hennehan stated that the Village has a program or a schedule for repaving all streets in the Village, but that Exmoor Avenue was not in front on this list. Mr. Hennehan asked if it would be possible to add the \$10,000 and move Exmoor Avenue up on the list.

Mr. Sbiral stated that there is not much possibility of moving Exmoor up on the list and that the reason for not asking the adjacent businesses for contributions is because they already pay taxes. Mr. Sbiral noted that the schedule for repaving streets is relatively set.

Mr. Julian asked if the project proceeds, whether the Village will earmark the funds to repave Exmoor or if the \$10,000 will go into the general fund.

Mr. Sbiral stated that something would need to be done with the curbs but that Exmoor would not be moved up on the list.

Ms. Harbottle referred the presentation to Mr. Ted Carson to address the issue of replacing the curb.

Mr. Ted Carson, of the Fifth Third Office on 1701 Golf Road, stated that they would install a new curb on Exmoor and a new sidewalk on Northwest Highway. Mr. Carson stated that the Bank would be willing to undertake repaving Exmoor Avenue, but that he feeling it should be a sharing arrangement. He restated the petitioner's initial offer of \$10,000.

Ms. Pokorski stated that the Village has no legal recourse over the owners of the adjacent properties.

Mr. Carson stated that it did not appear that Exmoor would be repaved for several years. Mr. Carson stated that taxes had been paid by the three (3) properties (Days Inn, Blue Herron restaurant, and the sellers of the Bank's new property), which should have accumulated a kitty.

Ms. Moston asked where the figure of \$10,000 came from. Ms. Moston also asked if the project had been discussed with Fifth Third's paving contractor that while they were doing the parking lots if they could also do Exmoor Avenue. Ms. Moston asked what the cost might be for the repaving and if the village could contribute to the Bank's contractor. She noted for example, if the cost was \$15,000 then the Village would only pay \$5,000.

Mr. Carson referred to Mr. Sbiral for how the \$10,000 figure was generated.

Mr. Sbiral stated that the Staff had done things like that before.

Mr. Carson stated that he would like the Bank's entranceway to be improved, and that through this project the Village would not have to wait for Exmoor to be repaved.

Ms. Pokorski noted that the Bank was only providing \$10,000 and that the Village would have to come up with \$15,000 for the project.

Mr. Carson noted that the cost may be less in conjunction with the Bank's site work. Ms. Harbottle restated that the Bank was willing to do their fair share (50%), which could be \$12,500 if the cost is \$25,000.

Mr. Sbiral stated that the reasoning behind the Staff Report (why the other businesses would not help pay for the repaving) was that for the special use the site must be ready.

Mr. Julian stated that he was unclear to the answer to his first question. Mr. Julian clarified that the Village had not committed to repave Exmoor even with the contribution.

Mr. Sbiral stated that this had not been discussed. Mr. Sbiral explained that unless the repaving was completely paid for, the Village may not have the funds to move Exmoor up on the list.

Mr. Julian asked if the Village does not repave Exmoor, whether or not Fifth Third will do anything, or if they will just live with it until the repaving comes up on the schedule.

Mr. Kramer asked where the \$10,000 would go.

Ms. Pokorski stated that if Fifth Third gave the \$10,000, it would be allocated to repaving Exmoor, and would either be stored until Exmoor came up on the schedule or it would be negotiated whether or not to move Exmoor up on the list. Ms. Pokorski stated that it is not fair to ask Fifth Third to put up the \$10,000 and then put it in a general pool. Ms. Pokorski believes that it is fair that if they want to repave, they will have to pay a certain cost because it will be a cost to the community and there is no other way of recouping the money other than a general building fund.

Mr. Sbiral stated that the \$20,000- \$25,000 was an estimate from public works and that Fifth Third would also get an estimate. He stated that the petitioner and the Village would have to negotiate before the final ordinance.

Mr. Sbiral clarified with the petitioner that the \$10,000 was above and beyond the proposed curb work. Mr. Sbiral stated that he was unsure if the estimate from public works included that information or not.

Ms. Pokorski stated that the only part of the special use request that the Staff did not agree with was in regard to what contribution they would make to the infrastructure. Aside from that, Ms. Pokorski noted, the project met the standards for special use.

Mr. O'Brien stated that the Staff does not necessarily agree that number 6 of the Staff Report is not met, but the Staff believes it is the Zoning Board's decision to determine what the Village's contribution should be.

Mr. Hennehan stated that there was a list of conditions to add to the approval and that the Board could add one more. Mr. Hennehan stated that they could add that Fifth Third would take half of the paving cost for Exmoor.

Mr. O'Brien stated that they could amend the first condition that addresses that issue.

Mr. Julian asked a question regarding whether to put \$10,000 or 50%.

Mr. Hennehan suggested changing number 1 on the Staff Report by adding 50%.

Ms. Perille stated that this would protect the Village and the petitioner whether the figure ends up being higher or lower. Ms. Perille stated that the Bank would not have paid more and neither would the Village and that the Bank seems to be agreeable to this.

Ms. Pokorski stated that the Bank has offered both \$10,000 and half of the cost, so the Board needs to discuss the cost.

Mr. Hennehan asked about the timetable for the project.

Mr. Carson stated that they planned to start in September.

Mr. Sbiral stated that it was a matter of the percent provided by Fifth Third because the Village might not have the funds available to do the other portion.

Mr. Julian guessed that the Public Works budget would be drained by November.

Ms. Pokorski stated that if the ZBA goes with the Staff's approval, they would need to add a sentence after the first sentence to say that the petitioner would pay the greater of \$10,000 or 50% of the cost of the project.

Mr. Sbiral stated that the ZBA needed to decide what is necessary to prepare the site for the proposed special uses.

Ms. Moston noted that Fifth Third offered to pay half, which may be greater than \$10,000.

MOTION: Mr. Julian moved to recommend approval of the special use permit accepting staff's findings as the ZBA's modifying condition #1 listed in the Staff Report to say the petitioner shall pay the greater of \$10,000 or 50% of the paving work. Mr. Hennehan seconded.

Roll call vote: Chairperson Pokorski, yes; Mr. Julian, yes; Mr. Kramer, yes; Ms. Moston, yes; Ms. Perille, yes; Mr. Hennehan, yes. Motion carried 6— 0.

Ms. Pokorski suggested moving to the issues of the sign placement and the stacking requirement variation.

Mr. Hennehan stated that the evidence shows that the sign meets the requirements for Northwest Highway.

MOTION: Mr. Hennehan moved to recommend approval the variation of the sign accepting staff's findings as the ZBA's. Ms. Moston seconded. Role call vote: Chairperson Pokorski, yes; Mr. Julian, yes; Mr. Kramer, yes; Ms. Moston, yes; Ms. Perille, yes; Mr. Hennehan, yes. Motion carried 6— 0.

Ms. Pokorski stated that the stacking requirement variation was a little trickier and that they used the same analysis as used in the McDonald's situation.

Mr. Sbiral stated that the analysis was applied differently because the characteristics of the Bank drive-through are different from McDonald's; for instance, the Bank has five (5) lanes to spread the load out while McDonald's has only one (1). Mr. Sbiral explained that bank studies and traffic consultants have found that after stacking at a bank drive-through has reached a certain depth people tend to park their cars and go inside.

Ms. Pokorski stated that this is the same for McDonald's, or that the cars will just drive by.

Mr. Hennehan stated that in his experience there are never more than one or two cars in the parking lot at one time at any bank.

Mr. Julian stated that this is a practical matter. If the lanes do jam up, then it will jam up the lot, then Exmoor Avenue. Mr. Julian does not believe that the stacking variation is a big issue.

MOTION: Ms. Perille moved to recommend approval of the stacking variation accepting staff's findings as the ZBA's. Mr. Hennehan seconded. Role call vote: Chairperson Pokorski, yes; Mr. Julian, yes; Mr. Kramer, yes; Ms. Moston, yes; Ms. Perille, yes; Mr. Hennehan, yes. Motion carried 6—0.

APPROVAL OF MINUTES

Ms. Pokorski suggested that the ZBA go over the minutes for the June 3, 2003 meeting and make additions and/or corrections.

Ms. Perille suggested that one correction be made to the last page on.

MOTION: Mr. Hennehan moved to accept the minutes from June 3, 2003 as recorded with the one change suggested by Ms. Perille. Ms. Perille seconded. Voice vote recorded all ayes. Motion carries.

PLANNER'S REPORT

Chairperson Pokorski asked if there were any upcoming cases.

Mr. O'Brien stated that there was one case submitted for August so there would be a meeting in August.

ADJOURNMENT

MOTION: Mr. Hennehan moved to adjourn. Mr. Julian seconded. Voice vote recorded all ayes. Meeting adjourned at approximately 8:15 pm.

Respectfully submitted,
Erin Emerick
Recording Secretary

Patricia Pokorski, Chairperson
Zoning Board of Appeals